

The Family Court of the State of Delaware

In and For f New Castle f Kent f Sussex County

RULE 52(D) ANCILLARY PRETRIAL STIPULATION

DATE OF MARRIAGE: _____
DATE OF SEPARATION: _____
DATE OF DIVORCE: _____

CASE NAME: _____
FILE NUMBER: _____
PETITION NUMBER: _____

PETITIONER'S NAME:
ADDRESS:
SOCIAL SECURITY NUMBER:
DATE OF BIRTH:
HOME PHONE:
WORK PHONE:
EMPLOYER NAME:
EMPLOYER ADDRESS:
YEARS EMPLOYED:
POSITION OR OCCUPATION:
CURRENT ANNUAL INCOME:
PETITIONER'S ATTORNEY:
ATTORNEY'S ADDRESS:
PHONE NO.:
FAX NO.:
E-MAIL ADDRESS (optional):

RESPONDENT'S NAME:
ADDRESS:
SOCIAL SECURITY NUMBER:
DATE OF BIRTH:
HOME PHONE:
WORK PHONE:
EMPLOYER NAME:
EMPLOYER ADDRESS:
YEARS EMPLOYED:
POSITION OR OCCUPATION:
CURRENT ANNUAL INCOME:
RESPONDENT'S ATTORNEY:
ATTORNEY'S ADDRESS:
PHONE NO.:
FAX NO.:
E-MAIL ADDRESS (optional):

If you have remarried, indicate date of remarriage: _____

If you have remarried, indicate date of remarriage: _____

Names and dates of birth of minor children of the parties. Indicate with whom the child(ren) primarily reside: Mother (M); Father (F); Shared (S).

Names and dates of birth of any adult children residing with either party. Indicate whether the child is enrolled in school.

Date of settlement meeting: * _____
Date of pretrial conference: _____
Date and time of ancillary hearing: _____
*or reason why not held _____

Jurisdiction has been retained for the following:

- ☐ Property division ☐ Alimony
☐ Counsel Fees ☐ Court Costs

Percentage Distribution Requested:

Petitioner: _____

Respondent: _____

A. HOUSEHOLD BELONGINGS

Have household furnishings and belongings been divided?

☐ Yes

☐ No

B. PENSIONS

Have qualified domestic relations orders (QDROs) or pension allocation orders been prepared for all marital pension plans?

☐ Yes

☐ No

C. ISSUES IN AGREEMENT

1. List marital assets and their specific values:

ASSETS	VALUE

2. List marital debts to be shared and their specific balances:

DEBTS	AMOUNT

3. State the annual incomes which the parties agree should be attributed to each party:

Husband: \$ _____

Wife: \$ _____

4. State other issues in agreement:

D. ISSUES IN DISPUTE

1. List the marital assets in dispute and state each party's position:

ASSETS/VALUE	HUSBAND'S POSITION	WIFE'S POSITION

2. List the debts in dispute and state each party's position:

DEBTS/AMOUNT	HUSBAND'S POSITION	WIFE'S POSITION

3. If either party's income is in dispute, state the basis of each party's position:

HUSBAND'S POSITION	WIFE'S POSITION

4. State other issues in dispute and each party's position:

ISSUE	HUSBAND'S POSITION	WIFE'S POSITION

E. WITNESSES

List the witness(es) you expect to call and the reason for their testimony. Other witnesses will be permitted to testify only with Court approval:

HUSBAND'S WITNESS(ES)

Name of Witness	Reason for Testimony

WIFE'S WITNESS(ES)

Name of Witness	Reason for Testimony

F. OTHER RELEVANT CIRCUMSTANCES

List any other relevant considerations (including factors listed in Title 13, Section 1513 of the Delaware Code, such as extraordinary contributions or dissipation by a party, exceptional gifts, or non-marital assets):

HUSBAND

WIFE

G. ALIMONY

If alimony is requested, the party seeking alimony is to complete the following:

1. Have you cohabitated with another adult since separation: _____.

If yes, include start date or dates of cohabitation: _____.

2. Amount of monthly child support received from other party: \$_____.

If pursuant to an Order, date of Order: _____.

☐ Interim Order ☐ Final Order

3. Amount of any monthly interim alimony: \$_____, date of order: _____.

4. Reason(s) party is dependent. If health is at issue, identify the supporting evidence to be presented at trial:

5. Attach a list of your CURRENT and PROPOSED expenses in the form on pages 9 and 10 of the Rule 16(c) Financial Report

H. PROPOSED REASONS

Pursuant to Title 13, Section 1513 of the Delaware Code, the Court, in dividing the marital property and allocating the marital debts, must consider the following factors:

1. The length of the marriage;

HUSBAND'S POSITION

WIFE'S POSITION

2. Any prior marriage of the party;

HUSBAND'S POSITION

WIFE'S POSITION

3. The age, health, station, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each of the parties;

HUSBAND'S POSITION

WIFE'S POSITION

4. Whether the property award is in lieu of or in addition to alimony;

HUSBAND'S POSITION

WIFE'S POSITION

5. The opportunity of each for future acquisitions of capital assets and income;

HUSBAND'S POSITION

WIFE'S POSITION

6. The contribution or dissipation of each party in the acquisition, preservation, depreciation or appreciation of the marital property, including the contribution of a party as homemaker, husband, or wife;

HUSBAND'S POSITION

WIFE'S POSITION

7. The value of the property set apart to each party;

HUSBAND'S POSITION

WIFE'S POSITION

8. The economic circumstances of each party at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to the party with whom any children of the marriage will live;

9. Whether the property was acquired by gift, except those gifts excluded by Title 13, Section 1513(b)(1) of the Delaware Code;

10. The debts of the parties;

11. Tax consequences;

I. ESTIMATED TRIAL TIME

HUSBAND'S Estimated Trial Time: _____

WIFE'S Estimated Trial Time: _____

J. OTHER

Attach a "Wright Chart" and a proposed form of Order. State any other stipulations below:

The litigants are hereby bound in the ancillary proceedings by the stipulations made above, absent a showing of good cause and amended Court Order and have an affirmative duty to provide the Court with any material change in information.

At the Court's discretion, the parties may be required to amend, resubmit or supplement the Ancillary Pretrial Stipulation. Failure to comply may result in the imposition of sanctions that may include, but are not limited to, dismissal of the ancillary matters with prejudice, fines, counsel fees and/or forfeiting the Ancillary Hearing date.

At least seven days prior to the ancillary hearing, the parties shall exchange and premark all exhibits, with the exception of any exhibits which either party seeks to introduce solely for the purpose of impeaching the other party. Husband's exhibits shall be premarked "H-_" and Wife's exhibits shall be premarked "W-_" At the commencement of the Ancillary Hearing, the parties shall submit a stipulation of the matters about which they agree and the matters that remain at issue, and Qualified Domestic Relations Orders ("QDROs") dividing any assets which either party proposes be divided by QDRO.

HUSBAND

WIFE

HUSBAND'S ATTORNEY

WIFE'S ATTORNEY

DATE

DATE

IT IS SO ORDERED.

JUDGE

DATE

***Wright v. Wright* Chart**

Assets	Title	Value	Husband	Wife

Debts

Tax-deferred Assets

Sub-total:			
Cash Adjustment to Equalize Distribution:			
Total:			